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C O N F I D E N T I A L SECTION 01 OF 02 KATHMANDU 001408

SIPDIS

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TAGS:

SUBJECT: NEPAL: ARMY CHIEF'S READ-OUT ON THE INSURGENCY

REF: STATE 153894

Classified By: Ambassador James F. Moriarty; Reasons 1.4 (a,b,d).

1. (C) SUMMARY: Chief of Army Staff (COAS) General Pyar Jung Thapa told the Ambassador and ODC Chief on July 22 that while the security situation in Nepal had stabilized, changing Maoist tactics, such as assassination squads in the Kathmandu Valley, were a cause for concern. The Royal Nepalese Army (RNA) was taking human rights issues seriously and was investigating alleged violations of rules of engagement during combat operations. The COAS stated that he supported providing RNA troops to protect the UN in Iraq, but a decision by the cabinet would be required before such a mission could be executed. END SUMMARY.

2. (C) COAS General Thapa described the security situation in Nepal as having stabilized. The Government of Nepal (GON), the monarchy and district headquarters were all intact, and the economy was growing. However, the RNA had released 1,600 prisoners during the last cease-fire, and the inability of the judicial system to bring Maoists to trial due to judges, fears of retribution remained a significant problem. Thapa noted that former Attorney General Sushil Kumar Pant had suggested using the Special Court provision of "faceless judges" as a possible means of overcoming this hurdle.

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RNA DOCTRINE
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3. (C) The COAS stated the GON had given the RNA the mission to disarm the Maoists and bring them back into mainstream politics, but not necessarily to defeat them militarily. To date, most Maoists had died while attacking the RNA, not during RNA attacks. The RNA had successfully repelled a Maoist attack on the Myagdi District Headquarters of Beni on March 20, 2004 despite the failure of the INSAS rifles during the 30 or so human wave attacks launched by the Maoists. (NOTE: The defensive obstacles placed by engineers within the barrier plan made the critical difference during this battle. Lack of confidence in the INSAS family of weapons led RNA soldiers to retain their old self-loading rifles (SLRs) even after being issued with INSAS rifles. END NOTE) The RNA lacked local intelligence prior to the attack, and Thapa emphasized that the citizens of Rolpa, Rukum and other districts had told him that they could not offer the RNA support due to fear of Maoist retribution. Meanwhile, the COAS believed development projects like roads would drive out the Maoists, and the RNA is employing civilian workers under RNA management for the approximately 15 ongoing road projects.

4. (C) The COAS stated insufficient numbers of troops had led to the RNA's inability to maintain security with a forward presence. RNA soldiers were currently under tremendous stress; in addition to being in combat, Maoists were threatening RNA family members. (NOTE: The RNA consisted of approximately 46,000 soldiers in 2001; current strength is 72,000 with 6,000 more currently in training. 3,000 are outside Nepal on UN peacekeeping missions. END NOTE.) The RNA supported the idea of village defense committees (VDC) to offset the lack of manpower. However, the Europeans had convinced the GON that VDC's were a bad idea.

5. (C) The security situation in the Kathmandu Valley was of particular concern, the COAS indicated. To date, the RNA had caught a handful of Maoist Special Task Force (STF) assassination teams (consisting of 25 members each from the student wing of the Maoists) in the Valley, and had defused many improvised explosive devices (IEDs) as well. The RNA believed a Maoist battalion (estimated strength: 300 to 400 people) lined the valley rim in support of these STFs.

6. (C) The COAS stated that the written materials captured from the Maoists indicate that cease-fires, peace talks and the notion of a constituent assembly were "merely talk," and that the Maoists would resume fighting if they did not get their demands. The Maoists were getting substantial financial support through extortion, especially in the Kathmandu Valley. The COAS believed that the Europeans hesitated to pressure the Maoists because of U.S. involvement, but he did not understand why Nepal, "oldest friend," the UK would not offer more help, as Nepal had fought alongside the UK in many wars.

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HUMAN RIGHTS
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17. (C) The COAS explained that he had given instructions to let Maoists escape if it meant saving the life of innocent civilians. The RNA had tried 20 to 30 soldiers to date via court martial for violations of military law. The COAS believed if a civilian was killed by mistake, then compensation should be offered; if a killing appeared intentional, then the RNA would investigate and raise charges if required. (NOTE: Compensation has been awarded in many cases. END NOTE) Meanwhile, while the RNA was taking flak for alleged human rights abuses, the RNA was the only GON entity attempting to take accountability for abuses, and much progress had been made, the Chief argued.

18. (C) Grateful for U.S. military assistance thus far, the COAS acknowledged the need to keep assistance low-key to allay Indian concerns. While M-16s combined with Belgian Minimis had proven extremely successful, the RNA needed more mobility and firepower. The RNA would be interested in U.S. M-249 Squad Automatic Weapons (SAW) to offset the canceled delivery of additional Minimis, if funding could also be provided. The COAS also noted the need for more mine-protected vehicles (MPVs) to counter the frequent Maoist roadside IED attacks on the security forces.

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IRAQ
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19. (C) When Ambassador Moriarty raised the idea of the RNA sending troops to Iraq to guard UN sites, the COAS affirmed that the RNA supported the mission "to help to pay back the U.S. for assistance given to Nepal." The COAS had spoken with the Prime Minister on the issue, and was waiting for the cabinet decision to go forward. The COAS also stated the draft Acquisition and Cross Servicing Agreement (ACSA) was stuck in the bureaucracy (Indian concerns were also a factor), but that he would look into it. The COAS recommended ADM Fargo bring up both the Iraq and ACSA issues with the PM and King during his visit in August 2004.

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COMMENT
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110. (C) The fact that the Chief of Army Staff raised human rights in the meeting -- without prompting -- is a positive sign. All indications, to include observations made by U.S. members of a recent Defense Institute for International Legal Studies (DIILS) seminar, indicate the RNA is serious about establishing and following rules of engagement during combat operations based on Nepalese and international law.

111. (C) Lack of mobility remains a major issue for the RNA, but until the GON directs the RNA to conduct offensive operations to defeat the Maoists, fear will continue to grip Nepal. No question exists that U.S. assistance thus far has made a big difference in the security situation; if the Engineer company at Beni had only been armed with unreliable INSAS rifles, Beni might very well have been the first district headquarters in Nepal to fall to the Maoists. However, the current level of US security assistance funding falls short of exploiting the success we have already witnessed and opens the possibility of a protracted and destructive counter-terrorist campaign. In coordination with the UK and particularly with India, resources front-loaded provide the best hope of giving the GON the momentum necessary to force Maoist leaders into meaningful dialogue and a political solution to the insurgency.
MORIARTY